

Franklin County Citizens Zoning and Subdivision Control Code

April 12, 2010

**Incorporating revisions voted on approved at the
Joint CIC, APC, BZA, and Commissioner meetings
through Feb. 25, 2010,
AND INCLUDING THE MISSING PAGE OF FLOOD PLAIN CODE**

Adopted by Resolution # _____

Date: _____

Franklin County Commissioners

_____ **Tom Wilson**

_____ **Tom Linkel**

_____ **Scott McDonough**

Deleted: Eric Roberts

Deleted: Don Vonder Meulen

Given to County Commissioners office on Wednesday, March 23,
2011.

Received by: _____

Date: _____

Carol Westerman

3-23-11

2010 ZONING ORDINANCE
OF FRANKLIN COUNTY, INDIANA

- 1 -

**OFFICE
COPY**

Just Kraft - Sent on 3/21/2011

SECTION 80.03: ZONE DISTRICTS

For zoning purposes, the territory within the jurisdiction of the Franklin County Plan Commission is hereby classified and divided into fifteen (15) districts with the following names and designations:

District Designation	Type of District
A-1	Prime Agriculture
A-2	Secondary Agriculture
R-E	Recreational
R-1	Single-family Residence
R-2	Single-family & Two-family Residence
R-3	Multi-family Residence
L-B	Local Business
P-B	Planned Business
G-B	General Business
I-1	Enclosed Industrial
I-2	Open Industrial
F-P	Flood Plain Overlay
H-D	Historic District Overlay
W-D	Whitewater River Scenic District Overlay
U-D	Unit Development

Section 80.03.01: A-1 PRIME AGRICULTURE DISTRICT -----

This district covers the rural portions of the County where agricultural operations are the dominant use. All types of agricultural uses or uses akin to agricultural operations are permitted, either outright or as a Conditional Use.

A. Permitted Uses.

1. Agricultural use
 2. Single-family Dwelling
 3. Manufactured or Mobile home
 4. Additional Uses set forth in Section 80.05
 5. Conditional Uses set forth in Section 80.06
6. A Farmstead Lot of not less than one (1) acre in area with yard requirements the same as those required for a Single-family Dwelling.

B. Other Requirements for the A-1 District.

- [illegible]

SECTION 80.03.02: A-2 AGRICULTURE DISTRICT -----

For the purpose of sound and efficient management of all agricultural land in Franklin County, all A-2 regulations, specifications, or standards covered by this Ordinance are hereby made identical to those of the A-1 district.

Wherever in this ordinance, "A-1" is mentioned, those specifications also apply to the A-2 district.

SECTION 80.03.03: R-E RECREATIONAL DISTRICT -----

For the purpose of sound and efficient management of all agricultural land in Franklin County, all R-E regulations, specifications, or standards covered by this Ordinance are hereby made identical to those of the A-1 district, with the following exceptions:

A. Section 80.06: Conditional Uses.

Wherever in this ordinance, "A-1" is mentioned those specifications also apply to the R-E district.

SECTION 80.03.12: HD HISTORIC DISTRICT -----

This is an overlapping district designed to identify and delineate those parts of Franklin County or a participating town which have been designated as historic districts by the respective Historic Board.

A. Uses Permitted.

Uses permitted in the districts underlying the "HD" Historic District are permitted, subject to the requirements and procedures of the Zoning Code for those uses in their particular district or districts.

B. Certificate of Appropriateness Required.

Before an Improvement Location Permit may be issued in the "HD" Historic District, it shall be accompanied by a Certificate of Appropriateness in accordance with the requirements promulgated by the applicable Historic Preservation Board now known as the Commissioners Council on Historic Metamora.

NOTE: See Chapter 84: Historic Preservation Code for requirements in Historical Preservation Area(s); also, see Sec. 80.05.05 E. for Special Events in the Metamora Preservation Area in the HD Historic District.

SECTION 80.03.13: WD WHITEWATER RIVER SCENIC DISTRICT -----

The WD Whitewater River Scenic District is an overlapping district established in order to maintain the natural and scenic qualities of the West Fork and Main Stem of the Whitewater River Scenic District, and to preserve those qualities for future generations.

A. Location and Boundaries. Location and Boundaries of the WD Whitewater Scenic District are designated as follows: The entire length of the West Fork and Main Stem of Whitewater River, in Franklin County, from the Fayette County line to the Dearborn County line, and the strip of land along each side of the river is at normal level to a line paralleling and 100 feet from the water's edge at normal water level, or within line of sight from the water's edge at normal level, between May 1 and October 15, a period of relatively full foliage, whichever is less.

B. Certain Terms. For the purpose of the WD District, the following terms shall mean:

- (1) Deposit - to fill, place, or dump.
- (2) Improvement - to use or modify a structure, or to deposit, locate or remove material.
- (3) Locate to construct, place, insert, or excavate.
- (4) Material - any soil, sand, gravel, clay, peat, mud, debris, refuse, or other organic or inorganic substance.
- (5) Modify - to alter, repair, enlarge, or extend a structure.
- (6) Remove - to dig, dredge, bulldoze, dragline, or blast, or to cut natural vegetation.

C. WHITEWATER RIVER ADVISORY BOARD.

The Whitewater River Advisory Board is composed of five (5) members appointed by the Franklin County Board of Commissioners, the majority of whom own land contiguous to the West Fork or Main Stem of Whitewater River, who shall meet on a regular basis for the function of monitoring use and/or development in the WD Whitewater River Scenic District. The Board shall function as a sub-body of the Area Plan Commission, advising the Commission on inappropriate uses in the District, and serve as a liaison between local landowners, county government, and the Indiana Department of Natural Resources.

Flood Insurance Study (FIS) is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

Floodplain means the channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any, combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

Flood Protection Grade (FPG) is the elevation of the regulatory flood plus two feet at any given location in the SFHA. (see "Freeboard")

Flood Prone Area means and land area acknowledge by a community as being susceptible to inundation by water from any source. (See "Flood")

Floodproofing (dry floodproofing) is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing certificate is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

Floodway is the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

Freeboard means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Fringe is those portions of the floodplain lying outside the floodway.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried, out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

a). the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total net area of one (1) square inch for every square foot of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade; and,

b). such enclosed space shall be usable solely for the parking of vehicles and building access.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map amendment means a change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

Map panel number is the four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

Market value means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Mitigation means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is two fold: to protect people and structures, and to minimize the cost of disaster response and recovery.

National Flood Insurance Program (NFIP) is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

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Variance is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Violation means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

X zone means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent. Zone means a geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

Zone mean a geographical area shown on a FHBM or FIRM that reflects a severity or type of flooding in the area.

Zone A (see definition for A zone)

Zone B, C, and X means areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

Article 3. General Provisions.

Section A. Lands to Which This Ordinance Applies.

This ordinance shall apply to all SFHAs within the jurisdiction of the Franklin County Area Plan Commission including Franklin County and the Towns of Brookville, Cedar Grove, Laurel, Mt. Carmel, and Oldenburg.

Section B. Basis for Establishing Regulatory Flood Data.

This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources for review and approval.

(1) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs of Franklin County and the towns of Brookville, Cedar Grove, Laurel, Mt. Carmel, and Oldenburg shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of Franklin County and Incorporated Areas, dated November 2, 1995 and the corresponding FIRM dated November 2, 1995, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.

Section I. Penalties for Violation.

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the zoning code for Franklin County.

(1) A separate offense shall be deemed to occur for each day the violation continues to exist.

All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of this Ordinance, Section 80.11.07.

Article 4. Administration.

Section A. Designation of Administrator.

The Board of Commissioners of Franklin County hereby appoints the Executive Director of the Franklin County Area Planning & Zoning Commission to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

Section B. Permit Procedures.

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to-scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

(1) Application stage.

- a). A description of the proposed development;
- b). Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;
- c). A legal description of the property site;
- d). A site-development plan showing existing and proposed development locations and existing and proposed land grades;
- e). Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD);
- f). Elevation (in NGVD) to which any non-residential structure will be floodproofed;
- g). Description of the extent to which any watercourse will be altered or related as a result of proposed development, and;

(2) Construction stage.

Upon placement of the lowest floor; or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NGVD elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and

floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Section C. Duties and Responsibilities of the Floodplain Administrator.

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but not be limited to:

- (1) Review all floodplain development permits to assure that the permit requirements of this ordinance have been satisfied;
- (2) Inspect and inventory damaged structures in SFHA and complete substantial damage determinations;
- (3) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Article 5, Section D and F of this ordinance, and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment.)
- (4) Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit;
- (5) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;
- (6) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built elevation and floodproofing data for all buildings constructed subject to this ordinance.
- (7) Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
- (8) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- (9) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4 Section B;
- (10) Verify and record the actual elevation to which any new or substantially improved structures have been flood proofed, in accordance with Article 4, Section B;
- (11) Review certified plans and specifications for compliance.

Article 5. Provisions for Flood Hazard Reduction.

Section A. General Standards.

In all SFHAs and known flood prone areas the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

SECTION 80.04: THE ZONE MAP

The Zone Map shall be maintained by the Executive Director and the Area Plan Commission as set forth in Section 80.11.02, and subject to the provisions of this section.

80.04.01: THE ZONE MAP IS PART OF THE ZONING CODE

The Zone Map, including all notations on said map, accompanies and is hereby declared to be a part of this Code, and is as much a part of this Code as if it were fully described herein. The Zone Map's purpose is to show the geographical location of each Zone District.

80.04.02. INTERPRETATION OF ZONE MAP BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Zone Map, the following rules shall apply:

A. CENTERLINES OF STREETS, RAILWAYS, AND BOUNDARIES

Unless otherwise indicated, the district boundary lines are the center lines of streets, parkways, alleys or railroad rights-of-way, or such lines extended. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

B. EXISTING LINES

Boundaries indicated as approximately following section lines, half-section and quarter-section lines, town corporate limit lines, or platted lot lines shall be construed as following such lines.

C. SHORELINES AND WATERWAYS

Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore lines shall be construed as moving with the actual shore lines. Boundaries indicated as approximately following the center lines of streams, creeks, lakes or other bodies of water shall be construed to follow such center lines.

D. BOARD OF ZONING APPEALS MAY INTERPRET DISTRICT BOUNDARIES

Where physical or cultural features existing on the ground are at variance with those shown on the Zone Map, or in other circumstances not covered by this section, the Board of Zoning Appeals shall interpret the district boundaries. To the extent possible, the interpretation of the boundaries shall be incorporated into the Zone Map.

E. VACATIONS AND RELOCATIONS

The vacation or relocation of rights-of-way and lot lines shall not affect the location of district boundaries; provided, however, whenever any right-of-way is vacated by proper authority, the districts adjoining each side of such vacation shall be extended automatically to the center of such vacation.

F. DISTRICT BOUNDARIES THAT SPLIT LOTS

Where a zoning district boundary line divides a lot which was a single ownership at the time of passage of the ordinance compromising this Chapter, the Board of Zoning Appeals, upon appeal, shall interpret the applicable regulations of either portion of the lot,

Deleted: into two or more zoning districts, the owner of said parcel shall determine which of the intersecting district's rules they will follow.

80.05.02 BASIC HOMEOWNER ADDITIONAL USES

A. General Uses.

1. Such features as patios, walks, drive-ways, curbs, drainage installations, retaining walls, mailboxes, lamp posts, bird baths and structures of a like nature, gardens, vegetation, decorative installations, outdoor fireplaces and non-permanent structures like storage sheds and small greenhouses and other common home uses are allowed without permit.

2. Decks, garages, carports, canopies, permanent storage buildings, breezeways, bath houses, cabanas, greenhouses and other common home uses are allowed and must be constructed in compliance with the applicable building code.

B. Fences. Fences, walls and structural screens are allowed without permit, subject to the provisions of Section 80.05.10.

C. Parking. Off-street motor vehicle parking and loading areas are allowed, as set forth in Sec. 80.08.06; but in residential zones (R-1, R-2, R-3) not more than one such space shall be provided for a commercial vehicle of more than five (5) tons capacity (manufacturer's rating).

D. Fall-out Shelters. Fall-out Shelters are allowed without permit.

Deleted: E. Domestic Employees. Residential occupancy by domestic employees employed on the premises is allowed without permit.¶

¶
F. Foster Family. Foster family care where children unrelated to the residents by blood or adoption, are cared for, provided that no sign shall be displayed is allowed without permit.¶

¶

NO SIZE REQUIREMENT ON STORAGE SHEDS 1. or
on small greenhouses.



80.05.03: SWIMMING POOLS

Swimming pools are allowed with permit, and subject to the following provisions:

1. No person shall construct, remodel, or alter any swimming pool until a permit to do so is obtained from the Executive Director. An application for such permit shall be filed with the Executive Director, on a form furnished by the director, together with the plans and specifications for such pool. The Executive Director shall examine such plans and specifications to determine whether or not the pool will comply with the provisions of this Ordinance and the Building Code. If it appears that the pool will comply therewith, he shall note his approval on the plans and specifications and shall issue a permit authorizing the work to proceed.
2. No family swimming pool shall be constructed except on the same lot as the owner's dwelling or on a vacant lot immediately contiguous thereto if it is under the same ownership as the dwelling. The following conditions must be met if the pool is to be located on the same building lot as the dwelling of the owner:
 - a. The pool must be constructed in the rear yard but not closer at any point than ten feet from the building itself;
 - b. The pool must be enclosed by a fence with a self-locking gate in the manner set forth below and at no point may the fence be closer than ten feet to any property line;
 - c. A fence five feet or more in height surrounding or partially surrounding a pool shall not be closer than six feet to the edge of the pool at any point; (See Sec. 80.05.10 (E)).
 - d. The surface area of the pool may not exceed 25% of the area of the rear yard.
3. When a pool is located on a lot contiguous to the lot on which the owner's house is located and under the same ownership as the dwelling, the following conditions must be met:
 - a. No part of the pool shall be located forward of the setback line of the owner's dwelling;
 - b. No part of the pool shall be closer than ten feet from the owner's dwelling and no closer than sixteen feet from any property line of any other property owner;
 - c. No pool shall be built across any property line regardless of the ownership thereof;
 - d. If the contiguous lot has frontage on a street other than on which the owner's dwelling is located, no part of the pool shall be forward of the minimum setback line.

4. See Section 80.08 for more standards and regulations.

5. For more pool regulations go to Indiana Swimming Pool Code, Second Addition.

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80.05.04: PETS AND DOMESTICATED ANIMALS

A. Household Pets

1. **Allowed Without Permit.** Household pets are domestic animals, generally, dogs or cats that are kept inside the home or in the yard. It also includes rodents, reptiles, fish and fowl that are generally caged inside the home. These animals are kept for pleasure and not for profit. The keeping of household pets, provided it is not construed as a kennel, is allowed without permit.

2. Requirements for keeping of domestic pets:

a. **Indoor Pets.** There is no limit on the number of pets kept inside.

b. **Outdoor Pets.** There is no limit on the number of outdoor pets in A-1, A-2 and RE Zone Districts; outdoor pets in all other Zone Districts are limited to eight (8) per acre of confinement. Pets shall not become a nuisance to neighbors as a result of roaming.

c. **Noise, Odors, Waste Disposal.** For indoor and outdoor pets, the requirements and standards of Section 80.08.01 shall apply.

d. **Care.** Domestic pets are to be properly nourished and cared for. Animals shall not be abandoned or released.

B. Kennels, Breeders, and Rescue Facilities. See Section 80.06, Conditional Uses, with specific provisions for Commercial Kennels, Private Kennels, and Commercial Breeders.

C. Stables and Animal Pens on Residential Lots. Use is allowed of at least two (2) acres; provided, however, any structures, pens or corrals housing animals shall be 50 feet from the lot line, except where animals are kept in sound-proof air conditioned buildings. (See Sec. 80.06 for other stables and raising and breeding non-farm fowl or animals.) (Subject also to any restrictive town ordinances governing livestock.)

80.05.05: EVENTS

A. Rummage, garage, and yard sales. Rummage, garage, and yard sales are allowed without permit in any district, provided there are not more than four (4) such sales annually of not more than four (4) days duration each on the premises.

B. Event Parking. Parking lots designated for a special event in a district is allowed for a maximum of 30 days. Longer periods of time require a permit.

C. Festivals. Festivals, carnivals, and similar temporary uses are allowed without permit for a maximum of 10 days.

D. Roadside Stands. The sale of seasonal fruits and vegetables from roadside stands, tent sales, and Christmas tree stands are allowed without permit.

E. Special Events in Metamora HD District. Written permission for temporary outside booths or stands must be obtained from the Commissioners Council on Historic Metamora for special days such as "Canal Days," "Firemen's Festival," or other special events listed under the current Calendar of Special Events in the Rules of the Historic Board. (See Sec. 84.19.) Approval of the Board of Zoning Appeals or the issuance of Temporary Improvement Location Permits are not required for such uses, provided that such uses are promptly removed following the particular special event.

Deleted: Historic Board of Franklin County

80.05.06: CONSTRUCTION & REAL ESTATE

A. Temporary Office. A temporary office, model home or model apartment, and incidental signs thereof, both incidental and necessary for the sale, rental or lease of real property in the district is allowed with permit, for a maximum 18 months.

B. Construction Buildings. Construction-related buildings and uses, including temporary buildings and mobile homes, the yards for said materials and equipment, concrete batching plants, and other uses incidental and necessary to construction in the district are allowed with permit, subject to a time limit of 18 months.

80.05.07: MISCELLANEOUS -----

A. Amateur Radio. Amateur radio transmitting and receiving antennas are exempt from the provisions of this ordinance. However as stated in the Indiana code (36-7-5.2) they must comply with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2d 952 (1985)" or a regulation related to the amateur radio service adopted under 47 CFR part 97.

B. Apartment House Facilities. Management offices in multi- family dwelling or apartment use, and other facilities normally associated with tenants' conveniences, such as vending machines and washing machines, are allowed without permit.

D. Other Uses. Other similar uses deemed Additional by the APC may be permitted, with safeguards as the APC may deem necessary.

Deleted: C. Mobile Homes. Mobile Homes, Manufactured Homes, and RVs are permitted as an Additional Use, subject to the provisions of Section 80.08.07.¶

80.05.08: HOME BUSINESSES -----

For the encouragement of economic well-being, entrepreneurship, and the virtues of work in Franklin County, home occupations and home businesses are permitted in all Zone Districts, subject to the following standards:

- a. The primary use of the structure, dwelling unit, or property shall remain residential.
- b. The primary appearance of the structure, dwelling unit, or property shall remain residential.
- c. Home occupations shall not adversely affect the residential character of the district or interfere with the reasonable enjoyment of adjoining properties.
- d. In all non-Business Zones, public parking spaces cannot be used as the primary parking for the patrons, employees, or other visitors of said occupation or business.
- e. In all Business Zones, home businesses are exempt from the provisions of this section.

*Revised
see Revision
attached*

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B. Apartment House Facilities. Management offices in multi-family dwelling or apartment use, and other facilities normally associated with tenants' conveniences, such as vending machines and washing machines, are allowed without permit.

D. Other Uses. Other similar uses deemed Additional by the APC may be permitted, with safeguards as the APC may deem necessary.

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- a. The primary use of the structure, dwelling unit, or property shall remain residential.
- b. The primary appearance of the structure, dwelling unit, or property shall remain residential.
- c. Home occupations shall not adversely affect the residential character of the district or interfere with the reasonable enjoyment of adjoining properties.
- d. In all non-Business Zones, public parking spaces cannot be used as the primary parking for the patrons, employees, or other visitors of said occupation or business.
- e. In all Business Zones, home businesses are exempt from the provisions of this section.
- f. See definition of home occupation for a home business.

Revision

80.05.09: SIGNS

For the encouragement of local businesses and the area's economic health, signs are permitted, subject to the following regulations:

A. No sign shall block traffic, impede or impair line of sight of the road or of road signs, nor create any other hazard to the flow of automotive traffic or safety of pedestrian traffic on our public roads in any way.

C. Size limits:

A-1, A-2, RE, GB, PB, I-1, I-2, Districts	900 sq. ft
LB District	96 sq. ft.
R-1, R-2, R-3 Districts	16 sq. ft.

Deleted: B. Permanent signs are subject to the Building Code¶

D. Frontage Requirements:

A-1, A-2, RE, I-1, & I-2 Districts	1 foot frontage per square foot of sign
GB, LB, PB Districts	None
R-1, R-2, R-3 Districts	None

E. Restrictions

1 No billboard sign, greater than 250 square feet in size is permitted closer than 250 feet to another sign larger than 250 square feet in size or an adjacent property owner's primary residence in A-1, A-2, RE, I-1 or I-2

2. Any sign greater than 600 sq. ft. must be in sight of a State or Federal Highway. Any sign in sight of a state or federal highway must meet state and/or federal guidelines.

3 Illuminated, moving, and/or animated signs are not allowed in Residential Districts. Temporary Holiday Signs are excepted.

F. Temporary signs, including but not limited to, festival and event signs, real estate signs, political signs, and sales signs shall:

1. Be only for temporary events.
2. Taken down promptly after event is over.

80.05.10: FENCES.

A. General Restrictions.

1. Cannot Block Traffic. No fence shall block traffic, impede or impair line of sight of the road or of road signs, nor create any other hazard to the flow of traffic or safety on our public roads in any way.

2. Cannot Block Sidewalks. No fence shall block passage along existing sidewalks

B. Agricultural Fences. Fences used for agricultural purposes, recreation use or the public safety shall not be regulated by this Ordinance.

C. Residential Fences. Fences used for residential purposes shall be allowed without the issuance of any permit, subject to the following provisions:

1. Fences shall be allowed up to a height of six (6) feet.
2. No setback shall be required for fences in side and rear yards.
3. Fences shall be allowed to extend along side property lines.

D. Business and Industrial Fences. Fences in business or industrial districts, where used for commercial or industrial uses, shall be allowed subject to the following provisions:

1. Fences intended for security purposes shall not exceed a maximum height of twelve (12) feet, plus a maximum of three (3) strands of barbed wire, and shall be allowed within any side or rear yards; however, they shall not be allowed in any greenstrip or buffer area.

E. Swimming Pool Fences. Every outdoor swimming pool, which is more than 18 inches in depth shall be surrounded by a fence not less than five feet in height. Such fence shall be either of chain link type and style or of a type or style offering equivalent protection. All gates or doors opening through such enclosure shall be designed to permit self-locking and locking gates and doors, both capable or being locked as per IAC 20-4-27 and shall be kept locked when the pool is not in actual use, or left unattended. See Section 80.05.03 for all swimming pool requirements.

5. Shall forward a recommendation of either approval or denial, along with all necessary stipulations, to the Board of Zoning Appeals for public hearing and final approval or denial of the petition.

E. APC Decision. Upon such hearings, if the APC finds that the establishment will conform with the provisions of this Ordinance, the Board of Zoning Appeals shall direct the Executive Director, to issue an Improvement Location Permit for the Conditional Use; otherwise, the APC shall direct the Executive Director to reject the application. The findings of the APC and its order to the Executive Director shall be in writing.

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F. APC Stipulations. The APC may impose additional stipulations and conditions to assure that the Conditional Use will conform to the intent of this Ordinance. These additional conditions may include, but are not limited to:

1. Parking and loading areas.
2. Refuse and service areas.
3. Special screening and buffering.
4. Signs and proposed exterior lighting.
5. Additional setback distances, yard and other open space.
6. General compatibility with adjoining properties.
7. A Development Plan in the event such a plan is not already required for a particular Conditional Use, or for a use determined the APC to be a Conditional Use which is not otherwise set forth in this Ordinance.

G. Multiple Conditional Uses. If the nature of the Conditional Use involves more than one of those listed, the applicant may apply for an Improvement Location Permit for the Conditional Uses which most closely relates to the primary use.

H. Time Limit. Any person, to whom is issued an Improvement Location Permit for a Conditional Use, who fails to commence construction within twelve (12) months after such permit is issued, or who fails to carry to completion the total Development Plan thereof within three (3) years after such construction is begun, whichever is later, may have their Improvement Location Permit revoked.

I. Failure to Meet Conditions. Anyone who fails to conform to the provisions of this Ordinance, and to the Development Plan and stipulations approved by the APC and upon the basis of which such Improvement Location Permit was issued, may be required by the APC upon its own motion, and shall be required by the APC upon written petition of any person deeming himself aggrieved, to show cause why such approval should not be withdrawn and such Improvement Location Permit revoked.

J. Alterations Allowed. The holder, of an Improvement Location Permit for a Conditional Use may apply at any time for an alteration, change, amendment or extension of the application or Development Plan upon which such Permit was based.

1. Upon receipt of such application, the APC shall proceed as in the case of an original application.
2. In the event the APC shall approve such an application, it shall notify the Executive Director who shall issue an amended Improvement Location Permit accordingly.

Boarding House, Lodging House, Tourist Home, and Bed and Breakfast of 4 to 8 Rental Units:

- a. Approval Process: Class 3, Permitted by Executive Decision
- b. Zones Permitted: A1, A2, RE, R1, R2, R3 and I-1

Boarding House, Lodging House, Tourist Home, and Bed and Breakfast of 9 or Greater Rental Units:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A1, A2, RE, R1, R2, R3 and I-1

Bottled Gas Storage and Distribution Yard:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A-1, A-2, RE, PB, I-1 and I-2
- c. Minimum Yards: Front - 300; Side (each) - 300; Rear - 300

Building Material Supply or Storage Yard:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: PB, I-1 and I-2
- c. Minimum Yards: 100 feet all sides
- d. Minimum Distance from Residential Zones or Uses: 300 feet
- e. Landscape Screening: Level 1
- f. Maximum Height: 35 feet

Bulk Fuel Storage or Petroleum Tank Farm (Commercial):

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: I-1 and I-2
- c. Minimum Yards: 300 feet all sides
- d. Landscape Screening: Level 1
- e. Must abide by all State and Federal regulations

Cemetery or Crematory:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A-1, A-2, RE, PB, GB, LB, I-1, and I-2
- c. Minimum Acreage: 1/10th acre
- d. Minimum yards: 15 feet all sides
- e. Maximum Height: 35 feet
- f. Must abide by all State and Federal regulations

Church or Temple:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: All

Clinic (Medical):

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A-1, A-2, RE, R-3, LB, PB, GB & I-1
- c. Minimum Lot Area: 15,000 square feet
- d. Screening: Level 1

Commercial Breeders (except Kennel):

- a. Approval Process: Class 3, Permitted by Hearing

Deleted: Boarding House, Lodging House, Tourist Home, and Bed and Breakfast of 3 or Fewer Rental Units:¶
<#>Approval Process: Class 1, Allowed Without Permit¶
<#>Zones Permitted: A1, A2, RE, R1, R2, R3 and I-1¶

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- b. Zones Permitted: A-1 A-2, RE, I-1, I-2
- c. Minimum Lot Area: 3 acres
- d. Minimum Yards: 100 feet all sides
- e. Maximum Height: 25 feet
- f. Adequacy of Sewers: Approval required
- g. Subject to periodic inspection by Animal Control Officer and compliance with health and sanitation standards

Commercial Canoe Rental:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A-1, A-2, RE, R-3, LB, PB, GB, I-1, and I-2
- c. Minimum Lot Area: Livery - 30 acres, plus 1000 feet of frontage on the river; Put-in or take-out points - 5 acres with a minimum of 600 feet of frontage on the river
- d. Minimum Yards: 100 feet all sides

Day Care Center or Child Development Center:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A-1, A-2, RE, LB, PB, GB
- c. Minimum Area: One hundred square feet of play area for each child; Thirty five square feet of indoor space per child
- d. Outdoor play space: Grassed and enclosed by a fence; adequately separated from traffic areas
- e. General Safety: No portion of a Day Care Center shall be located within 300 feet of gasoline storage or pumps, nor any other explosive materials.
- f. License Required: Day Care Center License from the Indiana Department of Public Welfare

Deleted: Commercial Greenhouse
(Exceeding 1,000 sq. ft.):
<#>Approval Process: Class 2, Permitted
by Executive Decision
<#>Zones Permitted: A-1, A-2, RE, LB,
GB, I-1, I-2 and FP
<#>Minimum Lot Area: 25,000 square
feet
Minimum Yards: Front – 100 feet; Side
and rear – 40 feet

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Class I Child Care Homes and Class II Child Care Homes:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: R-3, LB, PB, GB, & I-1
- c. Must comply with all state and federal regulations

Development Disabilities Residential Facilities:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A-1, A-2, RE, R-1, R-2, R-3, LB, PB, and GB
- c. Licensing and regulation of such facilities shall be accomplished through the Developmental Disabilities Residential Facilities Council of the State of Indiana, in accordance with the requirements of I.C. 16-10-2.1 and I.C. 16-31-1.

Explosives, Manufacturing, Storage or Use Of (Except Consumer Fireworks):

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: I-1 and I-2
- c. Approval of County Commissioners or respective Town Board required
- d. Minimum Yards: 300 feet all sides
- e. Fence: No less than 8 feet around entire lot, except entrances. Locking gate when not in use.
- f. Landscape Screening: Level 2
- g. Must comply with all State and Federal regulations

Family Wholesale Produce Terminal or Truck Freight Terminal:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A-1, A-2, RE, GB, LB, PB, I-1, & I-2
- c. Family-run operation and the family must reside on the premises

- d. Minimum Lot Area: 1 acre
- e. Number of trucks must be stated at the time of the initial Class 3 hearing and any subsequent increase requires another hearing.

Farm (Subject to any restrictive town ordinances governing livestock):

- a. Approval Process: Class 1, Allowed Without Permit
- b. Zones Permitted: All

Farm House or Farm Dwelling:

- a. Approval Process: Class 1, Allowed Without Permit
- b. Zones Permitted: A-1, A-2, RE, R-1, R-2, R-3, LB, GB, PB, I-1, I-2

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Farm Seasonal Worker Housing, Tenant:

- a. Approval Process: Class 2, Allowed With Permit
- b. Zones Permitted: A-1, A-2, RE, R-1, R-2, R-3, LB, GB, PB, I-1, I-2

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Farm Implement and Supplies (Machinery) Sales and Service Area or Building (New or Used):

- a. Approval Process: Class 2, Permitted by Executive Decision
- b. Zones Permitted: A-1, A-2, RE, LB, GB, PB, I-1, I-2
- c. Maximum Height: 35 feet

Flea Markets:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A-1, A-2, RE, R-1, R-2, R-3, LB, GB, PB, I-1, I-2, FP

Fraternity, Sorority, and Student Co-ops:

- a. Approval Process: Class 1, Allowed Without Permit
- b. Zones Permitted: R-3, LB, GB & PB

Garbage Disposal Plant or Public or Commercial Sanitary Fill:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: I-1 and I-2
- c. Minimum Lot Area: 300 acres
- d. Minimum Yards: 600 feet all sides
- e. Landscape Screening: Level 2
- f. Fencing: 6 foot chain link fence around the entire property
- g. All State requirements for solid waste disposal must be met.

Golf Course/Country Club & Golf Driving Range:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: All
- c. Maximum Height: 35 feet

Grain Elevators and Related Uses:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A-1, A-2, RE, PB, GB, I-1, & I-2
- c. Maximum Height: 150 feet
- d. Minimum Setback from Property Line: Two times the height of the highest structure, with a minimum of 50 ft
- e. Must comply with all State and Federal regulations

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- e. Minimum Distance from Residential Zones or Uses: 200 feet
- f. Landscape Screening: Fencing, tight foliage, or landscaping no less than 8 feet of height enclosing the area used as a junk yard
- g. No junk piled higher than fence or foliage height
- h. No items stored closer than 12 feet from the fence
- i. Must comply with all state and federal requirements

Kennel, Private:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A-1, A-2, RE, R-1, R-2, R-3 & I-1
- c. Minimum Lot Area: 2 acres
- d. Minimum Yards: 100 feet all sides
- e. Landscape Screening: Level 1
- f. Maximum Height: 25 feet

Kennel, Commercial:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A-1, A-2, RE, LB, & I-1 (Permitted Use in GB & PB)
- c. Minimum Yards: 150 feet all sides
- d. Landscape Screening: Level 2
- e. Maximum Height: 25 feet
- f. Minimum Lot Area: 2 acres
- g. Periodic inspection of animals and facility for health and sanitation by Animal Control

Mini-Warehouses or Self Service Storage Facility:

- a. Approval Process: Class 2, Permitted by Executive Decision
- b. Zones Permitted: A-1, A-2, RE, GB, LB, PB, I-1, I-2
- c. Minimum Lot Area: 1 acre
- d. Minimum Yards: 25 feet all sides
- e. Landscape Screening: Level 1

Mining Operation (i.e. Sand or Gravel Pit, Borrow Pit, Topsoil Removal and Storage Areas):

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A-1, A-2, RE, I-1, I-2 & FP
- c. Minimum Yards: 150 feet
- d. Minimum Distance from Residential Use: 300 feet
- e. Landscape Screening: Level 2
- f. Subject to all State and Federal regulations

Deleted: <#>Special: See IC 36-7-4-1103; Cross reference IC 14-4-9-19

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Mobile Home Park:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A-1, A-2, RE, R-3, LB, GB, PB, I-1
- c. Minimum Lot Size: 5 acres
- d. Landscape Screening: Level 2
- e. Minimum yards: 30 feet all sides
- f. Mobile homes shall be separated by no less than 20 feet.
- g. Each mobile home space shall be a minimum of 4000 sq. ft. and 40 feet in width.
- h. Each space shall have an adequate concrete slab that includes anchors and tie-downs.
- i. Recreational Area: No less than 8% of the total area of the park, not including streets
- j. Adequacy of Sewers: Approval required

Municipal, County or Governmental Building:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A-1, A-2, RE, R-1, R-2, R-3, LB, GB, PB, I-1, I-2

Outdoor Commercial Enterprise (Including Recreational Enterprises):

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A-1, A-2, RE, R-3, LB, GB, PB, I-1, I-2
- c. Minimum Yards: Front – 50 feet; Side and rear – 40 feet
- d. Maximum height: 60 feet
- e. Landscape Screening: Level 1
- f. Adequacy of Sewers: Approval required

Outdoor Theater:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A-1, A-2, RE, R-3, LB, GB, PB, I-1, I-2, FP
- c. Minimum Yards: Front – 100 feet; Side – 75 feet; Rear – 40 feet
- d. Landscape Screening: Level 1
- e. Maximum Height: 65 feet
- f. Adequacy of Sewers: Approval required

Penal or Correctional Institution:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: UD
- c. Minimum Lot Area: 50 acres
- d. Minimum Yards: 100 feet all sides
- e. Minimum Distance from Residential Zones or Uses: 300 feet
- f. Maximum Height: 65 feet
- g. Adequacy of Sewers: Approval required

Plant Nurseries, Truck Gardens:

- a. Approval Process: Class 1 in A-1, A-2, RE; Class 3 in all others
- b. Zones Permitted: A-1, A-2, RE, R-3, LB, GB, PB, I-1, I-2, FP
- c. Minimum Lot Area: 2 acres

Private Club or Lodge of a Non-Commercial Character:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A-1, A-2, RE, R-3, & I-1

Private Recreational Development (i.e. Picnic Grounds, Fraternal Organizations, etc.):

- a. Approval Process: Class 2, Permitted by Executive Decision
- b. Zones Permitted: A-1, A-2, RE, PB, GB, I-1, & I-2

Produce Stands, Seasonal:

- a. Approval Process: Class 1, Allowed With Permit
- b. Zones Permitted: A-1, A-2, RE, R-3, LB, GB, PB, I-1, I-2, FP

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Produce Stands, Year Round:

- a. Approval Process: Class 1, Allowed Without Permit in A-1, A-2, RE
Class 2, Permitted by Executive Decision in LB, PB, GB
- b. Zones Permitted: A-1, A-2, RE, LB, PB & GB

- e. Parking: Minimum one automobile space for each RV lot
- f. Landscape Screening: Level 2
- g. Minimum setback: 30 feet all sides
- h. Recreational vehicles shall be separated by no less than 10 feet.
- i. All applicable health laws must be adhered to.

Restricted Commercial Farm Enterprise (including CAFOs):

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A-1, A-2, RE, I-1 & I-2
- c. Air Pollution control as per IC 13-1-1 must be adhered to.
- d. Water Pollution control as per IC 13-1-3 must be adhered to.
- e. Approval by Water Pollution Control, Indiana State Board of Health as per IC 13-1-5.7
- f. Maximum Height of Structure: 35 feet
- g. Minimum Distance to Residential Uses (other than owners): As per state statute
- h. Landscape Screening: Level 2
- i. Waste Handling Guidelines, as per the following publications (latest issue):
 - 1. WASTE HANDLING AND DISPOSAL GUIDELINES FOR INDIANA SWINE PROCEDURES, ID-83, 1972, by Cooperative Extension Service, Purdue University
 - 2. WASTE HANDLING AND DISPOSAL GUIDELINES FOR INDIANA POULTRYMEN, ID-83, 1972, by Cooperative Extension Service, Purdue University

Restricted Commercial Farm Enterprise (CFOs):

- a. Approval Process: Class 2, Permitted by Executive Decision
- b. Zones Permitted: A-1, A-2, RE, I-1 & I-2
- c. All state regulations on pollution and setbacks must be followed.

Riding Stable:

- a. Approval Process: Class 1, Allowed With proper Permits in A-1, A-2, RE
Class 3, Permitted by Hearing in I-1, I-2
- b. Zones Permitted: A-1, A-2, RE, I-1 & I-2
- c. Minimum Lot Area: 2 acres plus 5000 square feet per horse for each horse beyond four (4)
- d. Minimum Yards: 50 feet
- e. Minimum Distance to Residential Uses: 100 feet
- f. Maximum Height: 35 feet
- g. Landscape Screening: Level 1
- h. Waste Disposal: With approval of IDEM

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Sales Barn for Livestock (Resale):

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A-1, A-2, RE, LB, GB, PB, I-1, I-2
- c. Minimum Lot Area: 2 acres
- d. Minimum Yards: 50 feet
- e. Minimum Distance to Residential Uses: 300 feet
- f. Maximum Height: 45 feet
- g. Waste Disposal: With approval of State Board of Health

Seasonal Hunting and Fishing Lodge (Commercial):

- a. Approval Process: Class 2, Permitted by Executive Decision
- b. Zones Permitted: A-1, A-2, RE, & I-1

Stadium, Coliseum, Athletic Field:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A-1, A-2, RE, R-3, LB, GB, PB, I-1, I-2
- c. Minimum Lot Size: 5 acres
- d. Adequacy of Sewers: Approval required
- e. Also subject to Section 80.08

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Studio Business:

- a. Approval Process: Class 1, Allowed With Proper Permit
- b. Zones Permitted: A-1, A-2, RE, LB, GB, PB, I-1, I-2
- c. Class 2; Allowed by hearing
 - a. Zones Permitted: R-3.

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Telephone Exchange or Public Utility Substation:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A-1, A-2, RE, I-1, I-2
- c. Landscape Screening: Level 1
- d. Adequacy of Sewers: Approval required

Temporary Storage for Disabled Vehicles:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A-1, A-2, RE, LB, GB, PB, I-1, I-2

Major Transmission Lines for Gas, Oil, Electricity or Other Utilities:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: All
- c. Conditions as stipulated by the APC

Transmission Towers (Radio, TV, etc.) and Microwave Towers:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: All
- c. Conditions as stipulated by the APC
- d. Must comply with all state and federal requirements.

Two-Family Home in A1, A2, and RE:

- a. Approval Process: Class 2, Permitted by Executive Decision
- b. Zones Permitted: A1, A2, and RE

Veterinary Hospital or Clinic for Animals:

- a. Approval Process: Class 2, Allowed With Proper Permit
- b. Zones Permitted: A-1, A-2, RE, R-3, LB, I-1, I-2 (Permitted Use in GB and PB)

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Wholesale Produce Terminal or Truck Freight Terminal:

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: GB, LB, PB, I-1, & I-2
- c. Minimum Lot Area: 10 acres
- d. Minimum Yards: Front – 100 feet; Rear and side – 35 feet
- e. Minimum Distance from Residential Use: 100 feet
- f. Fence: 6 foot high wire mesh
- g. Landscape Screening: Level 1

SECTION 80.08 STANDARDS AND REGULATIONS

The following standards are in effect in all zone districts, except where noted in the text, for all lots and uses put into effect after the effective date of this Ordinance. More stringent regulations are in effect in the I-1 and I-2 Zone Districts, set forth in each zones' section.

80.08.01: GENERAL REGULATIONS (Nuisance Laws)

The following nuisances are hereby regulated:

A. Electrical Disturbance. No use shall cause electrical disturbance, adversely affecting conditions: radios, televisions or other equipment in the vicinity.

B. Noise. No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness or vibration. Said noise shall be muffled or otherwise controlled so as not to become detrimental. Public safety sirens and related apparatus used for public purposes shall be exempt from this standard.

C. Vibration. No use shall cause vibrations or concussions humanly detectable beyond the lot lines.

D. Odor. No use shall emit across the lot lines malodorous gas or matter in such quantity as to readily be detectable at any point along the lot lines.

E. Air Pollution. No use shall discharge across the lot lines fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter, or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property, or conflict with public air quality standards.

F. Heat, Glare, and Light. No use shall produce heat, glare or light in such a manner as to be a nuisance or create a hazard perceptible from any point beyond the lot lines. No lights resembling those of emergency vehicles shall be in such proximity to a road that a traffic hazard is created.

G. Water Pollution. No use shall produce erosion or other pollutants in such quantity as to be detrimental to adjacent properties or conflict with public water quality standards.

H. Pets. The keeping of a pet that causes hardship or nuisance to neighbors, including, but not limited to, noise, odor, property damage, intimidation or other damage or distress, is not a permitted use. For more provisions for domestic pets are in Section 80.05.04.

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b. Limits. In no event shall said encroachment protrude closer than twenty (20) feet to a front lot line, nor closer than 80 % of the required distance to any side or rear lot line except:

1. Alley Abutting Rear or Side Yard. One-half of an alley abutting the rear or side of a lot may be included in the rear yard or side yard, respectively, but such alley space shall not be included for loading and unloading berths.

2. Side Yards. Where sixty percent (60%) or more of the lots in a block frontage are occupied by buildings which provide side yards of less than the minimum required by this Ordinance, the average side yard of such buildings may determine the required side yard; provided, however, no side yard shall be reduced to less than three (3) feet. Where an existing building is deficient in side yards, any addition to such an existing building shall maintain the existing side yards.

3. Tapered Yard Formula (for Additional Use Building.) Where an interior lot fronts on a side street in the rear of the corner lot by an alley, an additional building located on the rear lot line of the corner lot shall set back from the side street as far as the dwelling on said interior lot. For each foot that such additional building is placed from the rear lot line toward the front lot line of the corner lot, the additional building may be set four (4) inches closer to the front lot line along the side street required by this Ordinance.

4. Screening and Minor Additional Uses.

a. Additional Uses such as public utility installations, walks, drive-ways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a like nature are allowed in any required front, side or rear yard, without the issuance of any permit.

b. Trees, shrubs, flowers, or plants shall be permitted in any required front, side or rear yard, except that vision clearance on corner lots shall be provided when required.

5. Intersection Visibility.

a. In all districts, except the PB district, a triangular space at the street corner of a corner lot shall be maintained free from any kind of obstruction to vision between the heights of three (3) and twelve (12) feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavement, and the triangular space is determined by a diagonal line connecting two points measured fifteen (15) feet along each of the street property lines equidistant from the intersection of the property lines or the property lines extended at the corner of the lot.

b. In the case of a rounded property corner, said triangular area shall be measured from the intersection of the street right-of-way lines extended.

c. In addition, the above vision sight lines shall apply to any lot within ten (10) feet from the intersection of a street right-of-way line with the edge of a driveway pavement or alley line. No driveway shall be located within forty (40) feet of the intersection of two street lines.

6. Storage.

a. No portion of any required yard shall be used for the permanent storage of unlicensed and/or inoperable motor vehicles, recreational vehicles, mobile homes, trailers, airplanes, boats parts thereof, shipping containers (cargo) (freight), rubbish, garbage, junk, tent or building materials, except during construction.

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b. Permanent storage for purpose of this subsection shall be construed as the presence of such storage for a period of 14 consecutive days.

4. Class F Mobile Homes Must Be Repaired. Class F Mobile Homes must be repaired, so as to meet Class E standards.

C. TEMPORARY USE

1. Temporary uses of Mobile Homes, Manufactured Homes, and Recreational Vehicles (RVs) are permitted with following specific provisions:

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a. Mobile homes as a temporary office during the period of construction and development are allowed with permit, subject to a time limit of 18 months.

b. Mobile homes as a temporary living place or dwelling during construction or for security purposes are allowed with permit, subject to a time limit of 18 months.

c. Mobile home as a temporary living place or dwelling for an infirm or sickly blood relative who is unable to care for themselves due to sickness, age, or disability, on the same lot as the existing dwelling subject to an annual review, and a health practitioners statement;

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d. Mobile home as a temporary living place or dwelling for a family whose existing dwelling on the same lot has been severely damaged by fire or other danger is allowed with permit and subject to a time limit of 18 months and an annual renewal based on hardship.

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Deleted: until completion of the rebuilt home, so long as a permit to rebuild is applied for within six (6) months.

2. Storage or parking of recreational vehicles in the open is allowed, subject to the following conditions:

a. Not more than two recreational vehicles will be permitted to be parked or stored in the open on a residential property at any one time; provided, however, that one additional such vehicle may be permitted for visitation not to exceed thirty days in any one year.

b. In any district the wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall such vehicle be otherwise permanently fixed to the ground in a manner that would prevent ready removal of said types of mobile structures.

c. Recreational vehicles may be stored or parked by the owner thereof behind or alongside the primary building in such a manner that no part of any such vehicle shall project beyond the front or side setback lines of the lot.

d. At no time shall such parked or stored recreational vehicle be occupied or used for living, sleeping or housekeeping purposes, except as provided for visitations in (a) above.

e. Notwithstanding the provisions of Section (1) above, recreational vehicles may be parked anywhere on the premises for loading or unloading purposes, for not longer than a period of forty-eight (48) consecutive hours in any one-week period.

f. A manufactured unit certified as a Mobile Home or any previously titled vehicle cannot be used as an Additional Use Building for a residential use.

*Revised
See Revision
attached*

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d. Mobile home as a temporary living place or dwelling for a family whose existing dwelling on the same lot has been severely damaged by fire or other danger is allowed with permit, so long as a permit to rebuilt is applied for within six (6) months and completed within 18 months with an annual review process based on hardship.

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b. In any district the wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall such vehicle be otherwise permanently fixed to the ground in a manner that would prevent ready removal of said types of mobile structures.

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SECTION 80.08.08: PRIVATE LANES

For the purpose of utilizing marginal land for home sites and preserving the County's best farm ground, homes are allowed on private lanes, subject to the following standards and restrictions of this section.

A. Private Lane Defined. For purposes of this section, a private lane shall not be construed as the driveway to each home, but rather a privately maintained access road that the driveway joins at or near the lot line.

B. Undeniable Access. Each lot on a private lane must have undeniable and irrevocable access to a public road, either via direct access, or through an easement across other parcels. Deed restrictions and covenants must be recorded on each parcel to this end.

C. Undeniable Utility Access.

1. Each lot must have undeniable and irrevocable access to utilities, either via direct access, or through an easement across other parcels, subject to the following exceptions:

a. Sewer Lines. Because of the requirement by Indiana law that parcels are forced to hook on to a sewer line if it comes within a certain distance, sewer lines shall not be permitted unless there is unanimous approval of the sewer line from every landowner of parcels served by, or providing easement for, the private lane.

2. Deed restrictions and covenants must be recorded on each parcel to this end.

D. Multiple Homes Allowed. ~~2 (two)~~ or more -5 homes are allowed on a single private lane by a Class 2. Those desiring more than these limits, can either apply for a variance, or apply to be a Subdivision under Section 80.10

F. Private Lane Deed Disclosure. Common and joint maintenance, and the utilization by all owners, present and future, of the lots served by the private drive shall be made a part of the deed to each of the lots, stipulating adequate maintenance, ensuring continuous access, and must include the entire text of Section 80.09.02 Point (C). It is the seller's responsibility to inform any and all interested potential buyers of the Private Lane Deed Disclosure in writing prior to sale.

1. Submission of a recorded site plan indicating compliance with this Code and recording the deed in compliance with the section shall be a prerequisite for issuance of an improvement location permit.

G. Recommendations for a Private Lane for Multiple Homes to allow adequate utilities and emergency vehicles

1. Lane Width Minimums:
 - a. 16 feet wide for main length of the lane.
 - b. 24 feet wide for the first 40 feet of lane adjoining a public road
2. Shoulder Minimum: 2 feet of shoulder on each side.
3. Utility Easement Minimums: 25 feet from the center of the road on each side.
4. Surface Minimums: 4 inches base gravel, plus two inches finish gravel.
5. Culvert Minimum: 30 feet.
6. Setback Minimum: 50 feet from the edge of the right of way on each side.
7. All lots shall be individually addressed.
8. All signs are the responsibility of the developer and property owners and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) latest edition.
9. All bridges and culverts shall be installed to a HS-20 highway rating.

H. The Developer shall purchase signs which will be installed at beginning point of the private lane

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attached"*

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SECTION 80.08.08: PRIVATE LANES

For the purpose of utilizing marginal land for home sites and preserving the County's best farm ground, homes are allowed on private lanes, subject to the following standards and restrictions of this section.

A. Private Lane Defined. For purposes of this section, a private lane shall not be construed as the driveway to each home, but rather a privately maintained access road that the driveway joins at or near the lot line.

B. Undeniable Access. Each lot on a private lane must have undeniable and irrevocable access to a public road, either via direct access, or through an easement across other parcels. Deed restrictions and covenants must be recorded on each parcel to this end.

C. Undeniable Utility Access.

1. Each lot must have undeniable and irrevocable access to utilities, either via direct access, or through an easement across other parcels, subject to the following exceptions:

a. Sewer Lines. Because of the requirement by Indiana law that parcels are forced to hook on to a sewer line if it comes within a certain distance, sewer lines shall not be permitted unless there is unanimous approval of the sewer line from every landowner of parcels served by, or providing easement for, the private lane.

2. Deed restrictions and covenants must be recorded on each parcel to this end.

D. Multiple Homes Allowed. ~~Up to five (5) homes are allowed on a single private lane. Two or more homes on a single private lane require a Single Private Lane Process. Those desiring more than these limits, can either apply for a variance, or apply to be a Subdivision under Section 80.10.~~

A. Submit Application. An Application submitted for a Single Private Lane shall include the following materials:

1. Site Plan (See Definition).
2. Description of proposed activity.

B. Executive Review. Upon receipt of an application for a Single Private Lane that meets the requirements for Permit by Executive Decision, the Executive Director:

1. Shall determine if all submittals are in order and all application requirements met.
2. Shall review the Site Plan and the Development Plan.
3. May travel to the site to help determine the specifics of the application.
4. May ask the applicant for additional materials or testimony.
5. Shall, within 15 days of receiving the completed application, approve or deny, or postpone the decision up to 15 days only in cases where the Executive Director has requested additional materials from the applicant.
6. The Executive Director must inform the applicant in writing of the approval, denial, or postponement at the time the decision is made.
7. Applicants who are denied approval may request within 60 days of the decision to have their application brought before the Area Planning Commission for further review and determination.

C. Executive Decision. If the Executive Director determines that all provisions are met, he shall issue an Improvement Location Permit for such Conditional Use; otherwise, the Executive Director shall reject the application. The findings of the Executive Director shall be in writing.

E. Private Lane Deed Disclosure. Common and joint maintenance, and the utilization by all owners, present and future, of the lots served by the private drive shall be made a part of the deed to each of the lots, stipulating adequate maintenance, ensuring continuous access, and must include the entire text of

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SECTION 80.08.08
STANDARDS AND REGULATIONS – PRIVATE LANES

Section 80.09.02 Point (C). It is the seller's responsibility to inform any and all interested potential buyers of the Private Lane Deed Disclosure in writing prior to sale.

1. Submission of a recorded site plan indicating compliance with this Code and recording the deed in compliance with the section shall be a prerequisite for issuance of an improvement location permit.

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F. Recommendations for a Private Lane for Multiple Homes to allow adequate utilities and emergency vehicles

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1. Lane Width Minimums:

- a. 16 feet wide for main length of the lane.
 - b. 24 feet wide for the first 40 feet of lane adjoining a public road
2. Shoulder Minimum: 2 feet of shoulder on each side.
3. Utility Easement Minimums: 25 feet from the center of the road on each side.
4. Surface Minimums: 4 inches base gravel, plus two inches finish gravel.
5. Culvert Minimum: 30 feet.
6. Setback Minimum: 50 feet from the edge of the right of way on each side.
7. All lots shall be individually addressed.
8. All signs are the responsibility of the developer and property owners and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) latest edition.
9. All bridges and culverts shall be installed to a HS-20 highway rating.

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G. Lane name and number must be included under site plan.

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Deleted: The County shall purchase signs which will be sold to the developer of private lanes, and installed at beginning point of the private lane which read, "Private Drive – Maintained by Property Owners." Once installed by the property owner, maintenance of the signs will be the responsibility of the property owners.

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80.08.09 SEWER/SEPTIC/WATER STANDARDS -----

A. Sewer, septic, and water standards shall be per Indiana State Department of Health and Franklin County Health Department Regulations.

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B. In cases where two septic fields are required, the two existing septic sites may not be disturbed by a permanent improvement unless a third site has received approval by the F.C. Health Department.

80.08.10 LANDSCAPING STANDARDS -----

A. Landscape Screening:

1. **Level 1.** Visual screening, foliage and/or fencing not less than 3 feet in height, on a strip of landscaped ground at least 3 feet wide. Visual screening must be effective at all times of the year.
2. **Level 2.** Visual screening, foliage and/or fencing not less than 8 feet in height, on a strip of landscaped ground at least 5 feet wide. Visual screening must be effective at all times of the year.

SECTION 80.09 DIVISION OF LAND

The regulations on the division of land are set forth in this section. Such divisions that fit the definition of a Subdivision, Section 80.10 shall also be subject to the provisions of that section.

80.09.01 GENERAL PROVISIONS

A. Family Divisions Exempt. Divisions of land between family members are exempt from all requirements of this section, and Section 80.10: Subdivisions, subject to following provisions:

1. If the Executive Director determines that the Family Exemption clause is being used multiple times to circumvent the law for purpose of housing development, he may decline to issue the Improvement Location Permit and require the applicant to comply with the regulations of this section.

B. For purposes of this Section, family shall be defined as: the transferor and their children whether dwelling together or not. In the event the transferor has no children, this exemption applies to siblings of the transferor.

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C. Minimum Acreage. Lots shall have a minimum of area

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1. If No Sewer Line Is Available.

All Zone Districts:

Minimum of 43,560 sq. ft. (1 acre), or
a minimum acreage so as to provide for
2 septic fields, whichever is greater.

2. If Sewer Line Is Available.

Districts A-1, A-2, R-E, I-1, I-2:

Minimum of 43,560 sq. ft. (1 acre)

Districts R-1, R-2, R-3, GB, LB, PB

Minimum of 10,890 sq. ft. (¼ acre)

3. There are no acreage or lot width requirements based on slope.

D. Easements.

Where alleys are not provided, easements for utilities shall be provided. Such easements shall have minimum widths of twelve (12) feet, and where located along lot lines, one-half the width shall be taken from each lot. Before determining the location of easements, the plan shall be discussed with the local public utility companies to assure their proper placing for the installation of services.

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E. Undeniable Access. Each lot must have undeniable and irrevocable access to a public road by either:

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1. Direct access.
2. A private lane agreement. See Section 80.08.08 Private Lanes
3. As specified for Subdivision lots, if the lot is in a Subdivision. See Section 80.10.
4. Or by being added to adjacent parcel that has such access already.

80.09.02 DEED DISCLOSURES.

It is the seller's responsibility to inform any and all interested potential buyers in writing of all required deed disclosures prior to sale.

A. Recommendations Regarding Real Estate Transfers. All offers for the sale of real estate ~~should~~ be accompanied by a description setting forth the zoning classification, and disclosing that permitted uses are determined by the Zoning Code. All required deed disclosures, and all covenants and restrictions ~~should~~ be disclosed by the seller. It is the responsibility of the buyer to determine that the real estate is suitable for the buyer's intended use.

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B. Agricultural and Rural Area Deed Disclosure. All parcels in all Zone Districts must have an AGRICULTURAL AND RURAL AREA DEED DISCLOSURE with, at minimum, the entire text contained below, plus any other relevant circumstances involved with the property.

"The owner of the herein described real estate, and for all future owners and occupants of said Real Estate, or any parcel thereof, hereby;

First, acknowledges and agrees that Franklin County is an area traditionally and predominantly of agriculture uses, which includes, but is not limited, to, production of crops, animal husbandry, land application of animal waste, the raising, breeding, and sale of livestock and poultry, including confinement feeding operations, use of farm machinery, and the sale of farm products;

Second, acknowledges and agrees that Franklin County is traditionally and predominantly rural, with the attributes of country living, including but not limited to, a live-and-let-live way of life, a respect of private property rights, and acceptance of uses and practices necessary for economic survival in a rural area;

Third, waives any and all objections to any such agricultural or rural uses in Franklin County whether such uses currently exist, are enlarged, or changed in use in the future to another agricultural uses;

Fourth, agrees that such agricultural or rural uses, whether currently existing, or hereafter established, enlarged, or change, do not constitute a nuisance so long as they are not negligently maintained, do not cause bodily injury to third parties, directly endanger human health, or does not cause damage to adjoining property; and

Fifth, agrees that this covenant for the benefit of the citizens Franklin County, and is enforceable by any of the foregoing; together with such other covenants as may be required by this Deed, Restrictive covenants are enforced by civil action in the court system."

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C. Private Lane Deed Disclosure. All parcels on a private lane must have a PRIVATE LANE DEED DISCLOSURE with, at minimum, the entire text contained below, plus any other relevant circumstances involved with the property.

"The owner of the herein described real estate, and for all future owners and occupants of said Real Estate, or any parcel thereof, hereby;

First, acknowledges and agrees that the property is on a private lane, and is not subject to many County services including but not limited to: snow removal and road maintenance. It is

B. Notification of the Public and Interested Parties for Preliminary Approval.

Upon receipt of an application for Preliminary Approval of a Subdivision, the Plan Commission staff shall review the application for technical conformity with all standards of this Ordinance. Within thirty (30) days after receipt, the Plan Commission staff shall announce the date for a hearing before the Commission and shall:

1. Notify the applicant in writing;
2. Give notice of the hearing in accordance with Section 80.11.08; and

C. Public Hearing and APC Decision on Preliminary Approval of a Subdivision

A public hearing shall be held in accordance with APC rules.

1. Preliminary Approval Granted. If, after the hearing, the Commission determines that the application and plat comply with the standards in this Code, it shall make written findings and a decision granting Preliminary Approval for the plat. This decision shall be signed by the President of the Commission.

2. Preliminary Approval Denied. If, after the hearing, the Commission disapproves the plat, it shall make written findings that set forth its reasons and a decision denying Preliminary Approval and shall provide the applicant with a copy. This decision shall be signed by the President of the Commission.

D. Appeals of Decision on Preliminary Approval

The Preliminary Approval or denial of a Subdivision by the Commission is a final decision of the Commission. It may be reviewed by certiorari procedure as provided by I.C. 36-7-4-1016.

E. Time Limit on Approvals

Upon Preliminary Approval of a Subdivision, the applicant shall have 1 year to submit their application for Final Approval.

80.10.05: PROCESS FOR FINAL APPROVAL OF A SUBDIVISION

The process to obtain Preliminary Approval of a Subdivision Plat shall be as follows:

A. Application Documents Submitted to the Executive Director. An applicant desiring approval of a plat of a Subdivision shall submit a written application to the Plan Commission staff, no earlier than 30 days, and not later than 1 year, after Final Approval. The application shall contain the following elements:

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- 1. Subdivision Plat.** The subdivider shall provide a plat of the Subdivision showing the following:
 - a. Proposed name of the Subdivision.
 - b. Names and addresses of the owner and the sub-divider.
 - c. Streets and rights-of-way, on and adjoining the site of the subdivision, showing the names (which for new streets shall not duplicate other names of streets in the Town or County, except for extensions of existing streets) which shall meet with the approval of the Commission, and including roadway widths, approximate gradients, types and widths of pavement, curbs, walks, crosswalks, sidewalks, tree planting and other pertinent data.
 - d. Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one (1) foot in five thousand (5,000) feet.

80.10.07: STANDARDS OF DESIGN AND IMPROVEMENT FOR SUBDIVISIONS

The plat of a subdivision shall conform to the following principles and standards of design:

A. Streets

Streets (and alleys, where provided) shall be completed to grades shown on plans, profiles, and cross-sections provided by the subdivider, and prepared by a registered professional engineer and approved by the Commission. They shall conform to the following standards:

1. The streets shall be graded, surfaced, and improved to the dimensions required by the cross sections and the work shall be performed in the manner prescribed in "Standard Specifications for the Indiana Department of Highways," latest issue (hereinafter referred to as the Standard Specifications) which can be found at: www.in.gov/dot/div/contracts/standards/book/sept11/sep.html.
2. The street and alley layout shall provide access to all lots and parcels of land within the subdivision, and where streets cross other streets, jogs shall not be created. Cul-de-sacs shall not exceed one-half mile in length unless site topography indicates that longer cul-de-sacs would be appropriate.
3. Proposed streets shall be adjusted to the contour of the land so as to produce useable lots and streets of reasonable gradient.
4. Certain proposed streets, where appropriate, shall be extended to the boundary of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.
5. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.
6. See subsection 29 of this section for widths of arterial and feeder streets.
7. The minimum right-of-way of residential streets, including marginal access streets or cul-de-sacs, shall be fifty (50) feet.
8. Alleys shall not be permitted in residential areas but shall be included in commercial and industrial areas where needed for loading and unloading or access purposes, and, where platted, shall be at least twenty (20) feet in width.
9. The center lines of streets should intersect as nearly at right angles as possible.
10. At intersections of streets and alleys, property line corners shall be rounded by arcs of at least twenty (20) feet radii or by chords of such arcs.
11. At intersections of streets, the property line corners shall be rounded by arcs with radii of not less than fifteen feet or by chords of such arcs.
12. If the smaller angle of intersection of two streets is less than sixty (60) degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Commission.
13. Intersections of more than two (2) streets at one point shall be avoided.
14. Where parkways or special types of streets are involved, the Commission may apply special standards to be followed in the design of such parkways or streets.
15. Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way or a highway designated as a "Limited Access Highway" by the appropriate highway authorities, provision shall be made for a marginal access street or a parallel street at a distance acceptable for the appropriate use of the land between the highway or railroad and such streets.

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- b. Location Map
- c. Additional Information may be required by the Executive Director

3. Notification of Public and Interested Parties

4. Public Hearing and APC Decision on Preliminary Approval

5. Appeals (if necessary)

6. Application for Final Approval. An application shall include the following:

- a. Subdivision Plat
- b. Engineering Plan
- c. All Preliminary Approval Materials
- d. Additional Information
- e. 3 copies of mylar plat

7. Final Approval

80.10.04: PRELIMINARY APPROVAL OF A SUBDIVISION

The process to obtain Preliminary Approval of a Subdivision Plat shall be as follows:

A. Application Documents Submitted to the Executive Director. An applicant desiring approval of a plat of a Subdivision shall submit a written application to the Plan Commission staff, containing the following elements:

1. Sketch Plat (11" x 17"). A scaled drawing of the proposed property to be developed that includes:

- a. Lot Layout
- b. Subdivision Name
- c. Proposed streets and their names

2. Location Map. The applicant shall include a location map which may be prepared by indicating the data by notations on available maps showing:

- a. Subdivision name and location.
- b. Any roads, streets, or lanes related to the subdivision
- c. Existing elementary and high schools, parks, and playgrounds available for serving the area proposed to be subdivided, and other community facilities.
- d. Location of Corporation Lines if applicable.
- e. Title, scale, north point and date.

3. Contact Information. Name, address, and phone number of property owners and/or developers.

4. Utility Letters. A letter from all utility services that are proposed to be used, (such as electric, water, sewer, gas, etc.) stating the availability of these services.

5. Current Zoning Designation

6. Development Statement. A statement as to how the proposed development fits within the Comprehensive Plan.

16. Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the center lines as follows:

- (a) Arterial streets: Five hundred (500) feet.
- (b) Feeder streets and parkways: Three hundred (300) feet.
- (c) Residential streets: One hundred fifty (150) feet.

17. Curvature measured along the center line shall have a minimum radius as follows:

- (a) Arterial streets: Five hundred (500) feet.
- (b) Feeder streets and parkways: Three hundred (300) feet.
- (c) Residential streets: One hundred fifty (150) feet.

18. Between reversed curves on arterial streets, there shall be a tangent of not less than one hundred (100) feet, and on feeder and residential streets such tangent shall not be less than forty (40) feet.

19. Maximum grades for streets shall be as follows:

- (a) Arterial streets: Not greater than six percent (6%).
- (b) Feeder and residential streets and alleys: Not greater than ten percent (10%).

20. The minimum grade of any street gutter shall not be less than five-tenths percent (0.5%).

21. Proposed streets that are extensions of or in alignment with existing streets shall bear the same name as that borne by the existing street.

22. Normally, only one street, driveway or point of vehicle access shall be permitted from a subdivision onto an arterial or feeder street; provided, however, that any such street, driveway or point of vehicle access shall not be allowed if unreasonably harmful to the health, safety, and general welfare of the public. Two or more streets, driveways or points of vehicle access may be permitted by the Commission, if they do not impair the public health, safety and general welfare.

23. Private Lane from Subdivision Permitted. Where it can be clearly demonstrated by the subdivider that topographic conditions will prevent the utilization of all possible building sites in the subdivision if all lots are required to abut on a street, some variation from that requirement may be permitted by the Commission by means of the careful design and adequate construction of private driveways, subject to the following requirements. (a) Not more than three (3) lots shall be served by any one private driveway. The private driveway may be located on one (1) or more lots or on an easement provided for that purpose.

24. Residential Streets shall be surfaced to a minimum width of thirty-six (36) feet, (unless otherwise noted) measured back to back of curb. Streets classified as "arterial" or "feeder" in the thoroughfare plan, as set forth in the Thoroughfare Plan Code, shall be surfaced to a minimum width of forty (40) feet. (Curb and gutter is added to the minimum surface, see subsection (G) herein.) The Commission may require the subdivider to provide street surfacing on streets which are proposed to be extensions of existing paved streets, and which exceed the minimum dimensions set forth above, to full width of existing paved street. Alley shall be surfaced to their full width.

25. Cul-de-sacs.

a. Cul-de-sacs turn-arounds shall be paved to a minimum diameter of one hundred and ten, (110) feet.

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b. All cul-de-sacs shall terminate in a circular right-of-way, with a minimum diameter of one hundred and ten (110) feet, or other arrangement for the turning of all vehicles conveniently within the right-of-way. Where as if a school bus use is planned by the developer or if so deemed necessary by school policy or law of distance for pickup of school students, a 110 foot diameter or 55 foot radius with a paved area of 24 feet around the outer radius of the cul-de-sac and a 70 foot right- of-way with a solid sod center with a, 2 foot gravel berm around paved radius shall be required. Any unpaved portion of

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31. Prior to placing the street and alley surfaces, adequate subsurface drainage pipe, when required, shall be coated corrugated pipe or a similar type not less than twelve (12) inches in diameter approved by the Commission. Upon the completion of the street and alley, improvements, plans and profiles as built shall be filed with the Commission.

32. No streets will be accepted until after the plat of the subdivision has been recorded in the County Recorder's Office.

33. All unsightly and objectionable materials shall be removed from the right-of-way before acceptance. All trees, brush, and stumps shall be removed from the edge of pavement to the back of the side ditch slope. In no case will trees be permitted closer than six (6) feet to the edge of the road surface. The entire right-of-way shall be in neat and presentable condition.

34. All work must be acceptable to and meet all the requirements of the Town Board or County Highway Supervisor, as the case may be, prior to acceptance by the Town Board or Board of County Commissioners. Upon the completion of all improvements and installations as required by this Code, the developer shall furnish the respective Town Board if the plat is proposed to be located in a Town, or the Board of County Commissioners if the plat is proposed to be located in the unincorporated territory, with the proper bonds and an engineer's certification that said improvements and installations have been constructed, installed, and completed in compliance with the requirements of this Code. In addition, a letter signed by the Franklin County Highway Supervisor shall be presented to the Board of County Commissioners, stating they find the improvements to have been constructed, installed, and completed in compliance with the requirements of this Code, if such is the case.

B. Streets in Subdivisions

1. Streets may be varied by the Commission in approving a subdivision.

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2. The approval of street design and alignment at variance with the requirements shall be based upon the planned density of development and topographical and geological features unique to each subdivision, to the end that the street system will best serve the needs of the occupants and the public; provided that,

a. in no event shall the dedicated right-of-way of a street be less than forty feet (40'),

b. the maximum grade of streets may be increased to twenty percent (20%) but only for straight distances of less than one hundred fifty (150) feet, and

c. the design of streets shall give careful consideration to horizontal visibility and curvature and to vision clearance at street intersections which will provide maximum safety of access under the site conditions; in no case shall a radius of curvature, measured on the centerline of the street, be less than eighty (80) feet.

C. Blocks.

1. Blocks should not normally exceed twelve hundred fifty (1250) feet in length, unless unusual circumstances justify greater length.

2. Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a limited access highway or an arterial street or a railroad right-of-way.

3. In blocks of over seven hundred (700) feet in length, the Commission may require at or near the middle of the block a public walk connecting adjacent streets or other public areas. Such walks shall be at least four (4) feet in width of right-of-way and shall be intended for the use of pedestrians only.

2. If sidewalks are provided, they shall be constructed of Portland Cement Concrete, at least four (4) inches thick, and four (4) feet wide, and the edge of walks adjacent to the property line of the street shall be placed at least one (1) foot from the property line.
3. If sidewalks are not provided, the street grade shall be completed so that additional grading would not be necessary for any future provision of sidewalks.
4. Crosswalks within blocks, as required in paragraph (C) of Sec. 81.10.7C (3), shall be improved with at least a four (4) foot walk of Portland Cement or Asphalt Concrete four (4) inches thick.

O. Street Signs.

In a subdivision, the subdivider shall provide the subdivision with acceptable street signs at the intersection of all streets.

P. Driveway Entrances.

1. The subdivider and/or landowner shall install approaches for each driveway connection to a street, with a hard surface between the street roadway surface and when the street is provided with curb and gutter the subdivider and/or landowner shall install curb returns on the driveways.
2. Except as otherwise provided for private driveways for access in a Hillside Subdivision in Sec. 80.10.7B (F), driveways shall be constructed so as not to impede the surface drainage system and where curbs are not required the subdivider shall provide one of the following types of improvement:
 - a. A corrugated iron pipe at least twelve inches (12") in diameter and thirty feet (30') in length to be placed for each driveway approach.
 - b. A properly dipped or swaled concrete pavement fourteen feet (14') in length, at least six feet (6') in width and six inches (6") thick at the entrance to each driveway, designed so as not to create a hazard to the underparts of automobiles.

80.10.08: Local Legislative Bodies May Waive Requirements

As per IC 36-7-4-701, ✓

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subdivision review, mobile home tie-down standards, utility construction, record keeping (including lowest floor elevations), and water course alteration and maintenance have been met.

8. The executive director must follow legal procedures to enter property.

80.11.02: GOVERNMENT RESPONSIBILITIES IN REGARDS TO THE ZONE MAP

1. **CONDITION OF MAP.** The Zone Map must be maintained and kept up to date, and in good condition, by the Executive Director of the Area Plan Commission, with the assistance of the County Commissioners.

2. **VERIFICATION OF MAP.** The Official Zone Map shall be identified by the signature of the County Commissioners, attested by the County Auditor, and bearing the seal of the County under the following words: "This is to certify that this is the Official Zone Map referred to in the "Area Zoning Code of Franklin County, Indiana ", adopted (date) .

3. **ACCURACY OF MAP.** It is the responsibility of the Executive Director, with the assistance of the Area Plan Commission Board and the County Commissioners, to maintain an accurate map, and to promptly notate changes and correct errors on said map.

4. **LOCATION OF MAP.** The Official Zone Map shall be located in the office of the Area Plan Commission and shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the County, regardless of other copies of said map.

5. **ACCESSIBILITY OF MAP.** It is the responsibility of the Executive Director to make the Zone Map, or accurate copies of it, readily available to all who request it. It is required to maintain additional accurate copies of the Zone Map at public libraries, on the County website, and at APC and other relevant public meetings.

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6. **REPLACEMENT OF DAMAGED MAP.** In the event the Official Zone Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the County Commissioners may direct the Plan Commission to prepare a new Official Zone Map which shall supersede the prior map upon approval by the County Commissioners. The new Official Zone Map may correct drafting or other errors or omissions in the prior map, but no such correction shall have the effect of amending the original Official Zone Map or any subsequent amendment thereof. The new Official Zone Map shall be identified by the signature of the County Commissioners attested by the County Auditor and bearing the seal of the County under the following words: "This is to certify that this Official Zone Map supersedes and replaces on this day (date) the Official Zone Map adopted (date of adoption of map being replaced) as part of Ordinance Number of Franklin County, Indiana".

7. **PRESERVATION OF PRIOR MAPS.**

Unless the prior Official Zone Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

80.11.03: GOVERNMENT RESPONSIBILITIES IN REGARDS TO THE ZONING ORDINANCE

A. Maintenance of the Master Copy of the Ordinance. The Executive Director and the APC office shall be responsible for maintaining the Master Copy of this Ordinance.

1. The Master Copy shall consist of:

- a. A master copy on paper housed in the APC Office;
- b. A master electronic copy, housed on a computer in the APC office, for the purpose of efficient distribution, and/or reformatting in the event of an amendment.

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UPDATED WITHIN 1 YEAR.¶
If the map is not updated within 1 year of
the adoption of this ordinance, the
levying of fines shall be suspended until
this requirement is met.
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2. Amendments to the code shall be incorporated in the paper and electronic versions of the Master Copy within 1 week of their passing into law.
3. Prior versions maintained. The Executive Director and the APC Office shall maintain a paper copy of all prior versions of this ordinance, organized by date, including all prior zoning and subdivision control ordinances in effect in Franklin County. These shall be made available to the public upon request.
4. Current and future revisions shall be identified on page 1 of the Master Copy, hereafter referred to as the "Revision Page."

**B. Ordinance must be readily available to the public.** The Executive Director and the APC office shall be responsible for maintaining up to date reproductions of this ordinance for the purpose of making the ordinance readily available to the public.

1. At all times there must be:
  - a. Free access to a paper copy for all citizens in the APC office
  - b. No less than 5 copies available for sale to the public at all times in the APC office, at a cost no greater than the prevailing per page rate of copies.
2. It is recommended that the Executive Director and the APC office also maintain:
  - a. Paper copies at all Franklin County Public Libraries and the Batesville Public Library.
  - b. An electronic "read-only" version on a public website.
3. Amendments to the Ordinance must be incorporated in all reproductions of the Ordinance maintained by the APC no later than 2 weeks after they pass into law. It is the responsibility of the Executive Director and the APC office to notify any citizen obtaining a copy of this Ordinance of any amendments or other changes not yet incorporated in a particular reproduction of this Ordinance.

**C. A reproduction policy established.** The Executive Director, with consultation with the APC and the County Commissioners, shall establish procedures for the purpose of consistency in reproduction of this Ordinance. Procedures shall be set to establish consistent pagination, formatting, handling of amendments, date of reproduction, and any other issues regarding the reproduction of this Ordinance.

**D. Copies to Board Members.** It is the responsibility of the Executive Director to provide accurate, up to date, and complete copies of this Ordinance to all APC, BZA members and incorporated towns no later than 1 week after said board member's term has commenced.

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#### 80.11.04: PERMITS

##### A. Improvement Location Permits.

1. Within the jurisdiction of the Franklin County Area Plan Commission, no structure, improvement, or use of land may be altered, changed, placed, erected, or located on platted or unplatted lands, unless the structure, improvement, or use, and its location, conform with this Ordinance, and an Improvement Location Permit for such structure, improvement, or use has been obtained from the Executive Director by the owner(s) of the property or by his agent.

**a. Compliance.** The Executive Director shall issue an Improvement Location Permit, upon written application, when the proposed structure, improvement or use and its location conform in all respects to the Area Zoning Code of Franklin County, Indiana.

**b. Comprehensive Plan.** The Executive Director shall be guided by and give consideration to the policies and directives of the Comprehensive Plan of Franklin County, Indiana, prior to the issuance of any Improvement Location Permit.

**C. Fines.** In addition to the responsibility to bring any land use into conformance with the code, the landowner may be subject to certain fines or fees associated with the Citizen's cost to seek conformance.

**1. Types of Violations.** Violations shall be categorized based upon the following:

**a. Category I: Immediate Public Danger**

Where continuation of the non-conforming use represents an immediate danger to the community, including but not limited to fire, toxic waste, imminent detriment to public health and safety, or violation of community standards of morality, the APC may request a court order to bring immediate restraint.

Violations of Category I shall be subject to a court ordered fine up to \$2,500, and judgment to correct the violation within a specified time frame. Failure to complete the correction by the date identified by the court may result in the County taking the necessary action to correct the violation, and the costs of such action shall be levied against the landowner. In all cases, the court shall determine and direct the appropriate action to be taken by the County. Each day that the ordinance violation continues it shall constitute a separate offense.

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**b. Category II: All other violations**

All violations which do not represent an immediate danger to the community, the maximum fine shall be \$500. Each day that the ordinance violation continues it shall constitute a separate offense.

**2. Commencement of Fines.** Fines are not valid until and binding upon the landowner until:

- a. Adjudged by the court, or
- b. Agreed upon between the landowner and the APC as liquidated damages to resolve a complaint.

**D. Administrative Late Fee.** In cases where a permit is filed late, the permit can be obtained for the cost of the original fee (as listed in Section 80.11.05 (D)) plus 25 percent.

**E. Individual financial responsibility to Citizens of Franklin County.** Citizens of Franklin County are encouraged to reach amicable solutions in agreement related to land uses which are offensive to one, and are considered reasonable to the other without the involvement of County Government and burden to the Citizens as a body and court system.

To reduce the financial burden to our Citizens resulting from enforcement of this code, and to reduce administrative costs for our county officials and courts;

In all legal disputes between any Citizen and Franklin County Government related to this code, where the Citizen prevails, the prevailing party's legal expenses and reasonable costs in prosecution of their case shall be fully compensated by the County. (May not be enforceable at bench trial per IC 36-7-4-1010.)

Whereas the County Government has the responsibility to enforce its ordinances, and the Citizens as a body bear the expense of all litigation carried forth by the County Government; in actions initiated by County Government against a Citizen or group of Citizens to press enforcement of this code, should the County prevail, the Citizen shall bear no individual responsibility for the County's legal expenses and reasonable costs associated with the successful prosecution, as those expenses have already been borne by the Citizens as a body.



SECTION 80.11.09: REZONING OF LAND

**A. PROCEDURE FOR INDIVIDUALS SEEKING TO REZONE LAND.** In accordance with IC 36-7-4-602 (c), the following procedure to rezone land is set forth:

**1. File Application.** An applicant seeking to change the Zone designation of a parcel or parcels of land shall submit an application to the Planning department that includes a petition signed by property owners who own at least 60% of the land in question, along with ten (10) copies of a site plan of the area for which the rezone is requested.

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**2. Application Fees.** A fee of \$300.00 payable to FCAPC is required at the time of filing. The APC has the power to waive or reduce this fee if the applicant can show just cause.

**3. APC Hearing.**

a. Upon the proper filing of all relevant and necessary documents, the APC shall set a date for public hearing within 45 days, or at the next scheduled APC meeting.

b. Applicant will have duties associated with public notification, as set forth in Section 80.11.08.

c. Applicant should be prepared to present their case, using facts and reason, at the meeting, and may use an attorney or other representative on their behalf.

d. All interested parties, may appear before the APC at the hearing and present evidence in support of or in opposition to the granting of a variance or the determination of any other matter.

e. The APC may require any party adverse to any pending petition to enter a written appearance specifying the party's name and address. If the written appearance is entered more than four (4) days before the hearing, the APC may also require the petitioner to furnish each adverse party with a copy of the petition and a plot plan of the property involved.

f. The APC shall make either a "Favorable" or "Unfavorable" recommendation on the matter at the meeting at which that matter is first presented, or at the conclusion of the hearing on that matter, if it is continued.

**4. Decision by Legislative.** Within 30 days of the recommendation by the APC, the respective legislative body with jurisdiction (Commissioners or Town Board) shall make a final decision on the matter.

**5. Updating of Zone Map.** Upon a decision to change a parcels Zone designation, the Zone map shall be updated as per Section 80.11.02.

**B. PROPERTY OWNER NOTIFICATION.**

No land under jurisdiction of this Ordinance shall be have its Zone designation changed without the property owner and adjoining property owner first being notified in writing by certified mail as per Section 80.11.08, except:

1. In the case of inability to deliver to an affected party, documented attempts to communicate including but not limited to telephone, email, and in-person visits may be considered the fulfilling of this requirement.

**C. PRIOR USES ALLOWED**

Uses in effect at the time of the granting of a rezone that do not conform to the new zone designation shall be deemed Non-Conforming Uses, with all rights thereof. See Section 80.07.



## 80.12.02: VARIANCES

For the purpose of just and fair application of the law, variances from the code are allowable, subject to the provisions set forth in this section.

### A. Types of Variances

- 1. Use or Zone Variance Not Permitted.** Variances from use district or classification cannot be granted under Indiana law.
- 2. Development Standards Variances May Be Permitted.** The BZA shall approve or deny variances from the development standards (such as height, bulk, or area) of the zoning code. A variance may be approved only upon a determination in writing that:
  - a. The approval will not be injurious to the health, safety, morals, and welfare of the community;
  - b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
  - c. The strict application of the terms of the zoning code will result in practical difficulties in the use of the property.

### B. Procedure for Those Seeking a Variance

- 1. File Application.** An applicant seeking a variance from the development standards of this Zoning Code shall submit a request to the Planning department along with ten (10) copies of a site plan of the property for which the variance is requested. Such a request shall be received at least 30 days prior to the next BZA meeting.
- 2. Application Fees.** A fee of \$300.00 payable to FCAPC is required at the time of filing.
- 3. Hearing.** Upon the proper filing of all relevant documents, the BZA shall set a date for public hearing, as set forth in Section 80.12.04. Applicant will have duties associated with public notification, as set forth in Section 80.11.08. Applicant should be prepared to present their case using facts and reason at the meeting, and may use an attorney or other representative on their behalf.

### C. Conditions of Approval on the Variance

- 1. Conditions.** The BZA may impose such reasonable conditions upon its approval as it deems necessary to find that the variance will not subvert the general purpose of this or any other County Ordinance and will not injure property, uses, or the public good.
- 2. Duration of Variance.** A variance granted by the BZA shall run with the land until such time as the use of the variance ends, or the property conforms with the Zoning Code, as written. Upon issuance of the certificate of the variance, work must commence within six (6) months and be completed within twelve (12) months. The Director can extend with show good cause.
- 3. Failure to Comply.** Where an owner has failed to comply with any condition by the grant of the variance, the BZA may authorize such action as it may deem appropriate to obtain compliance as if the variance had not been granted, up to or including terminating, the operation.

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### D. Findings of Fact.

Where a request for a variance from this Code is sought, not only must the written determinations be set out as required, but findings of fact which support these determinations must be set out also. The BZA must specify by factual findings or by a statement of reasons the basis for denial of a variance requested by a petitioner. The statement shall refer to the points of Section 80.12.02 (A)(2).

### E. Variances in FP (FLOOD PLAIN) District.

Applications for variances to the provisions of this Chapter concerning an Improvement Location Permit (or Building Permit) for a use located in the FP district shall be forwarded to Natural Resources for review and comment. All terms and conditions imposed by Natural Resources shall be incorporated into the issuance of any such Permits. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and issue a written

### 80.12.03: APPEALS OF DECISIONS

Any order, requirement, decision, determination or any other action made by the Executive Director, the APC, or employees, agents, or subcommittees of the APC, is able to be appealed, subject to the provisions set forth in this section.

#### A. General Provisions

1. An appeal filed with the BZA must specify the grounds of the appeal and must be filed within 1 year of the date of the appealed action.
2. The Executive Director, administrative board, or other body from whom the appeal is taken shall, on the request of BZA, transmit to it all documents, or copies thereof, of plans, and papers constituting the record of the action from which an appeal was taken.
3. Upon appeal, the BZA may reverse, affirm, or modify the order, requirement, decision, or determination appealed from. For this purpose, the BZA has all the powers of the official, officer, board, or body from which the appeal is taken.

#### B. Procedure for Those Seeking an Appeal

**1. File Application.** An applicant seeking an appeal from a decision under zoning code, shall file an application in the Area Plan Office. Such a request shall be received at least 30 days prior to the next BZA meeting.

**2. Application Fees.** A \$300.00 fee shall be assessed for an appeal.

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**3. Hearing.** Upon the proper filing of all relevant documents, the BZA shall set a date for public hearing, as set forth in Section 80.12.04. Applicant will have duties associated with public notification, as set forth in Section 80.11.08. Applicant should be prepared to present their case using facts and reason at the meeting, and may use an attorney or other representative on their behalf.



**Manufacturing, Heavy.....**The use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substance, article, thing or service.

**Manufacturing, Light....** Light manufacturing includes: (1) Laboratory manufacturing: Operations involving the compounding of products such as perfumes, pharmaceutical and the development and assembly of instruments and similar items. (2) Light fabrication and assembly process: The manufacture of any item not involving the generation of noise, odor, vibration, dust or hazard.

**Mineral Extraction (or Mining).....** All or any part of the process involved in the mining of minerals by removing overburden and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, underground mining and surface work incidental to an underground mine.

**Mobile Home.....** A transportable vehicle which is greater than eight (8) feet in body width and longer than thirty-six (36) feet in body length and designed and constructed as a detached single-family dwelling unit with all of the following characteristics: (1) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;(2) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels;(3) Arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental assembly operations, location on foundation supports, connection to utilities, and the like.

**Mobile Home Park .....** A tract of land which has been developed with all necessary facilities and services meeting all legal requirements and which is intended for the purpose of providing a site for five (5) or more manufactured homes, manufactured dwellings and/or mobile homes for human habitation, either free of charge or for revenue purposes, includes any building, etc.intended for use as a part of the equipment of such MOBILE HOME PARK.

**Mobile Home Slab or Foundation...** The solid material upon which the mobile home rests, consisting of a continuous concrete slab or a PERMANENT FOUNDATION.

**Modular Home.....** A single family dwelling unit, designed and built in a factory and installed as a permanent residence.

**Nonconforming Lot, Structure or use .....** The lawful use of land, a building or structure or portion thereof, which was lawfully established and maintained but, because of the enactment of this code, no longer conforms to the bulk regulations prescribed in the district in which it is located.

**Occupied Space .....** The total area of earth horizontally covered by the structure, excluding accessory structures such as, but not limited to, garages, patios and porches.

**Office Park .....** A development that contains a number of separate office buildings, supporting uses and open space designed, planned, constructed, and managed on an integrated and coordinated basis.

**Outdoor Storage .....** The storage of any material not in an enclosed building for a period of greater than forty-eight (48) hours in any 30 day time period (whether consecutive or nonconsecutive), including items for sale or, lease, processing, and repair (including vehicles).

**Parcel .....** A distinct portion or tract of land, identified by a parcel number, used to record divisions of real estate for tax purposes.

**Deleted:** , which bears a seal certifying that it was built in compliance with Indiana Public Law 360, Acts of 1971. The definition of a modular home shall not include mobile homes. Modular homes shall be regulated in the same manner as manufactured homes. ¶

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